

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



Wisconsin Department of Safety and Professional Services Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Department of Safety and Professional Services website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Safety and Professional Services from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Safety and Professional Services data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Safety and Professional Services, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Safety and Professional Services is shown on the Department's Web Site under "License Lookup."
The status of an appeal may be found on court access websites at:
<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wsccl>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DSPS website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	FINAL DECISION
	:	AND ORDER
TED KOBASHIGAWA, M.D.,	:	LS9910212MED
RESPONDENT,	:	

The State of Wisconsin, Medical Examining Board, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Medical Examining Board.

The Division of Enforcement and Administrative Law Judge are hereby directed to file their affidavits of costs with the Department General Counsel within 15 days of this decision. The Department General Counsel shall mail a copy thereof to respondent or his or her representative.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 19 day of January, 2000.


Member of the Board

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	PROPOSED DECISION
	:	AND ORDER
TED KOBASHIGAWA, M.D.,	:	LS 9910212 MED
RESPONDENT	:	

PARTIES

The parties to this action for the purposes of s. 227.53 Stats., are:

Ted Kobashigawa	Steven M. Gloe
7275 E. Southgate Dr., Ste. 107	Department of Regulation and Licensing
Sacramento, CA 95823	Division of Enforcement
	P.O. Box 8935
	Madison, Wisconsin 53708-8935

PROCEDURAL HISTORY

A hearing in the above-captioned matter was held on November 22, 1999, before Administrative Law Judge William A. Black. The Division of Enforcement appeared by Attorney Steven M. Gloe. The respondent did not appear.

Based on the entire record of this case, the undersigned administrative law judge recommends that the Medical Examining Board adopt as its final decision in this matter, the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Ted Kobashigawa, M.D. (DOB 02/12/44) is duly licensed to practice medicine and surgery in the state of Wisconsin (license #24960). This license was first granted on October 22, 1982 and expired on October 31, 1997. Dr. Kobashigawa's specialty of record with the Wisconsin Medical Examining Board is psychiatry.
2. Dr. Kobashigawa's most recent address on file with the Wisconsin Medical Examining Board is 7275 E. Southgate Dr., Ste. 107, Sacramento, CA 95823.

3. On July 1, 1998, the Medical Board of California issued a Decision and Order which revoked the license of Dr. Kobashigawa. The factual basis for the revocation is that from the period of time October 1994 until July 1995:

- a. Respondent prescribed drugs for undercover agents without medically examining the undercover agents and/or without the agents being present at the Respondent's office;
- b. Respondent created false and fraudulent billing codes and billed Medi-Cal for services not performed for the undercover agents;
- c. Respondent prepared and mailed false and fraudulent reports in support of claims for Social Security SSI disability benefits for the undercover agents;
- d. Respondent's patient records for the undercover agents were grossly inadequate and did not set forth information such as medical history, physical and mental examination results, assessments, and other required records. There were no medical records for one of the undercover agents; and
- e. In July 1997, Respondent pled guilty and was convicted in Sacramento Superior and Municipal Courts for violation of the Welfare and Institutions Code section 14107, presenting a false and fraudulent claim for Medi-Cal payments. Respondent was sentenced to 120 days in jail, four years probation, was ordered to pay \$1,000.00 restitution, fines and fees and was ordered to participate in a diversion program.

CONCLUSIONS OF LAW

- 1. The Medical Examining Board has jurisdiction in this matter pursuant to s. 448.02(3), Stats.
- 2. By failing to file an Answer as required by Wis. Admin. Code RL 2.09, and by failing to appear at the hearing, respondent is in default under Wis. Admin. Code RL 2.14, and the Medical Examining Board may make findings and enter an order on the basis of the Complaint and the evidence presented at the hearing.
- 3. The conduct described in paragraph 3, above, constitutes a violation of Wisconsin Administrative Code § Med 10.02(2)(q).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the credential of Ted Kobashigawa, license number 24960, to practice medicine and surgery in the State of Wisconsin is **REVOKED, costs awarded to Complainant.**

OPINION

Section RL 2.14 of the Wisconsin Administrative Code provides that a respondent who fails to answer a complaint or fails to appear at a hearing is in default. If found to be in default, the disciplinary authority may make findings and enter an order on the basis of the complaint and other evidence against the respondent. In this case, the respondent did not file an answer to the above-captioned complaint, nor did he appear at the scheduled hearing. As a result, the respondent is in default.

Violation of § Med 10.02(2)(q), Wis. Adm. Code.

“(q) Having a license, certificate, permit, registration, or other practice credential granted by another state or by any agency of the federal government to practice medicine and surgery or treat the sick, which becomes limited, restricted, suspended, or revoked, or having been subject to other adverse action by the state licensing authority or by any agency of the federal government, including but not limited to the denial or limitation of an original credential, or the surrender of a credential, whether or not accompanied by findings of negligence or unprofessional conduct.”

The July 1, 1998 decision and order of the Medical Board of California revoking respondent's California Physician's and Surgeon's Certificate constitutes a violation by the respondent of § Med 10.02(2)(q), Wis. Adm. Code. The respondent's California license revocation therefore constitutes a sole and sufficient basis for revocation of his Wisconsin license. Moreover, the basis for the respondent's California license revocation illustrates the need to impose revocation as discipline in Wisconsin.

The respondent's California conduct amounted to fraud, which constitutes unprofessional conduct under Wisconsin law.

§ Med 10.02(2)(m), Wis. Adm. Code defines unprofessional conduct as:

“(m) Knowingly making any false statement, written or oral, in practicing under any license, with fraudulent intent; or obtaining or attempting to obtain any professional fee or compensation of any form by fraud or deceit.”

Revocation of the respondent's license has been recommended. It is well established that the objectives of professional discipline include the following: (1) to promote the rehabilitation of the licensee; (2) to protect the public; and (3) to deter other licensees from engaging in similar conduct. *State v. Aldrich*, 71 Wis. 2d 206, 209 (1976). Punishment of the licensee is not an appropriate consideration. *State v. McIntyre*. 41 Wis. 2d 481, 485 (1969).

There is nothing in the record to suggest that imposing any discipline short of revocation would have a rehabilitative effect on respondent or that he even has an interest in being rehabilitated. The respondent has not come forward to show remorse, an explanation, or to dispute the California findings.

Absent some mitigating evidence (of which none has been presented), imposing anything less than revocation would not aid in deterrence. To not revoke respondent's license would instead wrongly signal others to engage in similar conduct without consequence. Revocation remains as the only way in which to safeguard the public. Fraud by a licensed professional conducted under the auspices of that license betrays the very trust placed by the public in the licensee. By revoking respondent's license the public will be adequately protected from any further misconduct by him.

Dated at Madison, Wisconsin, this 16th day of December, 1999.

STATE OF WISCONSIN
DEPARTMENT OF REGULATION & LICENSING
1400 East Washington Avenue
P.O. Box 8935
Madison, Wisconsin 53708
Telephone: (608) 266-1790
FAX: (608) 267-0644

A handwritten signature in black ink, appearing to read "William Anderson Black", written over a horizontal line.

William Anderson Black
Administrative Law Judge